

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ERICSSON INC. AND  
TELEFONAKTIEBOLAGET LM ERICSSON,**

**Plaintiff,**

**vs.**

**SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC.,  
AND SAMSUNG RESEARCH AMERICA,**

**Defendants.**

**Civil Action No. 2:20-cv-380-JRG**

**ERICSSON'S RESPONSE TO SAMSUNG'S NOTICE OF CLARIFICATION**

Ericsson provides this short response to Samsung's Notice of Clarification (Dkt. No. 47), which was filed without notice earlier tonight.

*First*, Samsung did not disclose its contemplated ITC Complaint before or during the hearing on January 7, 2021. Ericsson only learned of its existence when a companion EDTX counterclaim was filed on the docket minutes after the conclusion of the hearing. *See* Case No. 2:21-cv-1, Dkt. No. 16 (E.D. Tex. Jan. 7, 2021).

*Second*, regardless of whether the Asserted Patents are actually standard-essential, Samsung does not dispute that its ITC infringement accusations are directed at Ericsson's "4G and 5G base station equipment." *Id.* at Counterclaims, ¶ 44.

*Third*, Samsung's Notice of Clarification is irrelevant to the scope of the Court's Preliminary Injunction. As explained at the hearing, it is inequitable for Samsung to have the ability to assert its 4G and 5G essential patents at the ITC while Ericsson is practically precluded from doing the same.

*Fourth*, Samsung's Notice – which it did not confer with Ericsson – does not seek any relief from the Court, including reconsideration of any aspects of the Preliminary Injunction. To the extent Samsung seeks reconsideration, Ericsson opposes.

Dated: January 11, 2021.

**McKool Smith, P.C.**

/s/ Theodore Stevenson, III

Theodore Stevenson, III  
Texas State Bar No. 19196650  
tstevenson@mckoolsmith.com  
Nicholas Mathews  
Texas State Bar No. 24085457  
nmathews@McKoolSmith.com  
**McKool Smith, P.C.**  
300 Crescent Court Suite 1500  
Dallas, TX 75201  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044

Christine Woodin  
Texas State Bar No. 24199951  
California Bar No. 295023  
cwoodin@mckoolsmith.com  
**McKool Smith, P.C.**  
300 South Grand Avenue, Suite 2900  
Los Angeles, California 90071  
Telephone: (213) 694-1200  
Telecopier: (213) 694-1234

Blake Bailey  
Texas State Bar No. 24069329  
bbailey@mckoolsmith.com  
**McKool Smith, P.C.**  
600 Travis Street, Suite 7000  
Houston, TX 77002  
Telephone: (713) 485-7300  
Telecopier: (713) 485-7344

Samuel F. Baxter  
Texas State Bar No. 01938000  
sbaxter@McKoolSmith.com  
Jennifer L. Truelove  
Texas State Bar No. 24012906  
jtruelove@McKoolSmith.com  
**McKool Smith, P.C.**  
300 Crescent Court, Suite 1500  
Dallas, TX 75201  
Telephone: (903) 923-9001

**ATTORNEYS FOR PLAINTIFFS**

**ERICSSON INC. AND  
TELEFONAKTIEBOLAGET LM  
ERICSSON**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on January 11, 2021.

/s/ Nicholas Mathews

Nicholas Mathews